

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:13-cv-03647</u>
)	
v.)	
)	
STEVE MAKOWSKI,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S MOTION TO SEAL EXHIBIT C TO THE
COMPLAINT [CM/ECF 1-3] AND AMENDED COMPLAINT [CM/ECF 14-3]**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for the entry of an order sealing its Exhibit C to the Complaint [CM/ECF 1-3] and Amended Complaint [CM/ECF 14-3] and states:

1. On May 16, 2013, Plaintiff filed its Complaint attaching as Exhibit C a list of expanded surveillance of other digital media files being distributed by Defendant and on August 19, 2013 Plaintiff filed its Amended Complaint to name Defendant in this matter.

2. Plaintiff filed Exhibit C in order to:

- (a) assist Plaintiff to identify the infringer;
- (b) allow an innocent doe defendant to identify the infringer and tell Plaintiff the identity of the infringer prior to being served;
- (c) assist Plaintiff to prove that the Defendant is a BitTorrent user;
- (d) assist Plaintiff to prove that the infringer resides in the subscriber’s house;
- (e) assist Plaintiff to prove that the defendant had knowledge of the infringement;
- (f) assist Plaintiff to defend against motions to dismiss brought pursuant to Fed. R. Civ. P. 12(b)(6);
- (g) require Defendant to either admit or deny the allegations;

(h) bring Exhibit C within the scope of discovery topics associated with the third party infringements, including possible Digital Millennium Copyright Act notices, which may be relevant to proving its case;

(i) avoid any accusations of fabrication by opposing counsel after Plaintiff has received the identity of the Defendant.

3. Although Plaintiff filed Exhibit C for the above proper purposes, in order to preempt any false allegation that Plaintiff attached it to the Complaint and Amended Complaint because it contains references to additional adult films, Plaintiff respectfully requests the Court seal it from public view.

4. To be clear, neither Plaintiff nor its attorneys have ever intended to embarrass Defendant.

5. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court seal Plaintiff's Exhibit C to its Complaint [CM/ECF 1-3] and Amended Complaint [CM/ECF 14-3]. A proposed order is attached for the Court's convenience.

Dated: September 18, 2013

Respectfully submitted,

SCHULZ LAW, P.C.

By: /s/ Mary K. Schulz
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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Mary K. Schulz
Mary K. Schulz, Esq.